



Entered on Docket  
October 01, 2009

A handwritten signature in black ink, appearing to read "Ri" and "Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

LAW OFFICE OF FRANK SORRENTINO  
FRANK SORRENTINO, ESQ.  
Nevada Bar No. 000421  
ANTHONY V. SORRENTINO, ESQ.  
Nevada Bar No. 000420  
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Attorneys for Debtor

E-filed: 09-21-2009

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

|                         |   |   |
|-------------------------|---|---|
| In re:                  | ) | BK-S-09-21177-LBR                       |
| <b>NICOLE E. TOSTEN</b> | ) | Chapter 13                              |
|                         | ) | Trustee: Rick A. Yarnall                |
| Debtor.                 | ) | Date: September 17 <sup>th</sup> , 2009 |
|                         | ) | Time: 3:30 p.m.                         |

**ORDER GRANTING MOTION TO VALUE COLLATERAL, "STRIP OFF" AND  
MODIFY RIGHTS OF HOMEQ, PURSUANT TO 11 U.S.C. §506(a) AND §1322**

This matter of Debtor, NICOLE E. TOSTEN, requesting the Court's permission to Value Collateral, "Strip Off" and Modify Rights of HOMEQ, Pursuant to 11 U.S.C. §506(a) and §1322, coming on for hearing this 17<sup>th</sup> day of September, 2009, at 3:30 p.m., with the LAW OFFICE OF FRANK SORRENTINO, appearing for Debtor, NICOLE E. TOSTEN, and RICK A. YARNALL appearing as the Chapter 13 Trustee, and pursuant to notice duly given, no opposition being filed by creditor, and the Court having heard the representation

1 of counsel for Debtor and the Chapter 13 Trustee, and being otherwise informed, and good  
2 cause appearing therefore,

3 IT IS HEREBY ORDERED that the security interest of HOMEQ in the real property  
4 commonly known as 2083 Tierra Del Verde St., Las Vegas, NV 89156, and legally  
5 described as:

6 Tierra Mesa, Plat Book 108, Page 24, Lot 44, Block 3

7 is hereby avoided and set aside and that the claim of HOMEQ in these bankruptcy  
8 proceedings shall be treated as unsecured.

9 IT IS FURTHER ORDERED that said lien of HOMEQ on the aforementioned  
10 property will be preserved if Debtor's bankruptcy case is converted or dismissed.

11 IT IS FURTHER ORDERED that the certain Deed of Trust recorded in the Office of  
12 the Clark County Recorder as document number 20050613-03486 on June 13, 2005, is  
13 hereby removed and expunged from the County records and shall no longer constitute a  
14 lien or encumbrance upon the aforesaid real property.

15 **IT IS SO ORDERED.**

16 DATED this 21<sup>st</sup> day of September, 2009.

17 Submitted by:

18 LAW OFFICE OF FRANK SORRENTINO

19 CHAPTER 13 TRUSTEE

20 By: \_\_\_\_\_ /s/ Frank Sorrentino  
21 FRANK SORRENTINO, ESQ.  
22 Nevada Bar #000421  
23 1118 E. Carson  
24 Las Vegas, NV 89101  
25 Attorney for Debtor

26 By: \_\_\_\_\_ /s/ Rick A. Yarnall  
27 RICK A. YARNALL

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1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, the undersigned certifies:

3        The Court waived the requirements of LR 9021.

4        I have delivered a copy of this proposed order to all attorneys and  
5 unrepresented parties who appear at the hearing regarding this matter  
and/or who filed a written objection and each has:

6        approved the form of this order;  
7        waived the right to review the order; and/or  
7        failed to file and serve paper in accordance with LR 9021(c)

8        I have delivered a copy of this proposed order to all attorneys, any trustee  
9 appointed in this case, and unrepresented parties who appeared at the  
10 hearing regarding this matter and/or who filed a written objection and all  
11 have either approved the form of this order, waived the right to review the  
12 order, failed to file and serve papers in accordance with LR 9021(c) and the  
13 following have disapproved the form of the order:

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12        No Opposition was filed to the motion and no other party or counsel  
13 appeared at the hearing.